

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

Fair Isaac Corporation; and myFICO )  
Consumer Services, Inc.; )

Plaintiffs, )

v. )

Experian Information Solutions, Inc.; )  
Trans Union LLC; VantageScore )  
Solutions, LLC; and Does I through X; )

Defendants. )

Civil Action No:  
0:06-cv-04112 (ADM/JSM)

**DECLARATION OF ROBERT MILNE**

I, ROBERT MILNE, declare as follows:

1. I am a member of White & Case LLP, counsel for Experian Information Solutions, Inc. (“Experian”) in this matter. I submit this declaration in opposition to Plaintiffs’ Motion To Exclude Witnesses Who Were Not Disclosed in Defendants’ Initial Disclosures During Discovery. The facts stated herein are to the best of my recollection and understanding.

2. In mid-August, 2009, counsel for Experian made the determination that we may use Peg Smith and Samah Haggag as witnesses at trial in the above-captioned action. These witnesses were promptly disclosed to Plaintiffs on August 24, 2009 when Experian served its amended initial disclosures. Peg Smith and Samah Haggag were previously included in Plaintiffs’ own initial disclosures.

3. On September 18, 2009, counsel for Experian made the determination that we may use John Wilson of ChoicePoint Services, Inc. and James Christiansen of LexisNexis Risk & Information Analytics Group Inc. as witnesses at trial in the above-captioned matter. Until shortly before that time, counsel for Experian did not even know the names of these witnesses. We first spoke to both gentlemen on September 18, 2009. Messrs. Wilson and Christiansen were promptly disclosed to Plaintiffs on September 18, 2009 when Experian served its preliminary witness list.

4. In September 2009, counsel for Defendants made the determination that we may use OLSON as a witness at trial after it became clear that Fair Isaac would not withdraw its authenticity and hearsay objections to the documents prepared by its own consultant, OLSON, and produced to both sides in response to a subpoena.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 1, 2009, in New York, New York.

/s/ Robert Milne  
Robert Milne